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DATE MAILED: 09/03/2002

CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. FILING DATE APPLICATION NO. 06/14/2001 002010-685 1280 09/882,777 James E. Audia 7590 09/03/2002 Gerald F. Swiss, Esq. EXAMINER BURNS, DOANE, SWECKER & MATHIS, L.L.P. KIFLE, BRUCK P.O. Box 1404 Alexandria, VA 22313-1404 ART UNIT PAPER NUMBER 1624

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/882,777

Applicant(s)

Audia et al.

Examiner

Bruck Kifle, Ph.D.

Art Unit **1624** 



	The MAILING DATE of this communication appears on the cover sheet with the correspondence address		
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM			
THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the			
mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.			
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.			
	to reply within the set or extended period for reply will, by statute, cause the objective of the cause the control of the call of the cal	* *	
	patent term adjustment. See 37 CFR 1.704(b).		
Status 1)⊠	Responsive to communication(s) filed on Jun 20, 2	002	
2a) 🗌	This action is <b>FINAL</b> . 2b) 💢 This act	ion is non-final.	
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.		
Disposit	ion of Claims		
4) 💢	Claim(s) <u>63-109</u>	is/are pending in the application.	
4	a) Of the above, claim(s)	is/are withdrawn from consideration.	
5) 💢	Claim(s) <u>109</u>	is/are allowed.	
6) 💢	Claim(s) 63-108	is/are rejected.	
7) 🗆	Claim(s)	is/are objected to.	
8) 🗆	Claims	are subject to restriction and/or election requirement.	
Applicat	tion Papers		
9) 🗌	The specification is objected to by the Examiner.		
10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11)	The proposed drawing correction filed on	is: a) $\square$ approved b) $\square$ disapproved by the Examiner.	
	If approved, corrected drawings are required in reply	to this Office action.	
12)	The oath or declaration is objected to by the Exami	ner.	
Priority under 35 U.S.C. §§ 119 and 120			
13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) 🗀	] All b)□ Some* c)□ None of:		
1	1. $\square$ Certified copies of the priority documents hav	e been received.	
2	2. $\square$ Certified copies of the priority documents hav	e been received in Application No	
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).			
	ee the attached detailed Office action for a list of the		
14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).			
a) U The translation of the foreign language provisional application has been received.			
15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s).			
	tice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (PTO-413) Paper No(s).  5) Notice of Informal Patent Application (PTO-152)	
	prometion Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Other:	

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Applicant's amendments and remarks filed 6/20/02 have been received and reviewed.

Claims 63-109 are now pending in this application.

Applicants are requested to comment on the relationship between the instant application and WO 99/67220 (equivalent of pending US application 09/337,484) and WO 99/67219 and WO 99/66934 (equivalent of pending US application 09/338,180).

Applicants are required to maintain a clear line of demarcation between these applications. See MPEP § 822.

## Claim Rejections - 35 USC § 112

Claims 63-108 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) In claims 63 and 64, in the definition of ring A is stated "ring A, together with the atoms of the ∈-caprolactam or the substituted 1,5-diazepine to which it ...". However, there is no 1,5-diazepine ring remaining in the claims. Appropriate correction is required.
- ii) The nature of the heterocyclic ring C is not known. One cannot say which atoms are present, how many of each are present and what the degree of saturation is. Are any substituents intended?

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Allowable Subject Matter

The subject matter wherein rings A and B are benzene rings and ring C is unsubstituted and does not contain any additional heteroatoms other than the nitrogen of the caprolactam is

allowable.

Claim 109 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Bruck Kifle whose telephone number is (703) 305-4484.

The fax phone number for this Group is (703) 308-4556 or (703) 305-3592. Any inquiry

of a general nature or relating to the status of this application or proceeding should be directed to

the Group receptionist whose telephone number is (703) 308-1235.

August 30, 2002

Bruck Kifle Primary Examiner

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